

REMARKS

I. Introduction

This is in response to a non-final Office Action mailed June 30, 2003. Claims 12-22 are currently pending.

II. Rejection of claims under 35 U.S.C. §102(e)

Claims 12-14 and 21-22

Claim 12-14 and 21-22 currently stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,326,915 (hereinafter referred to as "Chen").

Applicant submits the present rejection is improper because Chen is not a valid prior art reference against the present application under 35 U.S.C. §102(e), which requires that "the invention was described in a patent granted on an application for patent filed in the United States before the invention thereof by the applicant for patent."

Chen was filed in the U.S. on January 26, 2000. The present Application was filed in the U.S. on August 29, 2001, based on International Patent Application PCT/DE00/03418 filed on September 28, 2000, which claims priority to German Patent Application DE 199 47 766.3 filed on October 2, 1999. Therefore, the present application has a priority date of October 2, 1999, prior to January 26, 2000 filing date of Chen. Accordingly, Chen is not a valid prior art reference against the present

application under 35 U.S.C. §102(e), and withdrawal of the present rejection is requested.

III. Rejection of claims under 35 U.S.C. §103(a)

Claim 15

Claim 15 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chen. Since Chen is not a valid prior art reference against the present application under 35 U.S.C. §102(e), Chen is also not a valid prior art reference against the present application under 35 U.S.C. §103(a). Accordingly, Applicant submits that the rejection of claim 15 should be withdrawn.

Claims 16-20

Claims 16-20 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of U.S. Patent No. 5,742,141 ("Czekaj"). Applicant notes that Chen is not a valid prior art reference under 35 U.S.C. §102(e)/103(a). Furthermore, Applicant notes that Czekaj clearly does not teach all of the limitations of claims 16-20, as implicitly acknowledged by the Examiner. Therefore, without passing judgment on the merits of the Examiner's assertions regarding the teachings of Czekaj, Applicant submits that the §103(a) rejection based on the combination of Chen and Czekaj is improper and should be withdrawn.

IV. Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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